

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2017/2018

PLG0012 – GENERAL PRINCIPLES OF LAW

(All sections / Groups)

23 OCT 2017
2.30 p.m – 4.30 p.m
(2 Hours)

INSTRUCTIONS TO STUDENTS

1. This Question paper consists of 3 pages with 5 Questions only .
2. Answer **ONE (1) question** from **Part A** and **TWO (2) questions** from **Part B**.
3. Please write all your answers in the Answer Booklet provided.

PART A: ANSWER ONE (1) QUESTION ONLY [40 MARKS]**QUESTION 1 [40 marks]**

a. Discuss on the jurisdiction(s) of the Federal Court in Malaysia. **(10 marks)**

b. James enters PPI store, takes a shopping basket provided by the store and fills it up with various clothing. When he is about to take the shopping basket to the cashier for payment, he realised that he has left his wallet in his car. Pretending as if nothing had happened, whistling his favourite tune, he leaves the shopping basket at a quiet corner in the store. When he is walking away, the store's supervisor, Serena, stops him and tells him that he has bought all those clothing and therefore must pay for them.

Advise James.

(15 marks)

c. The test for the existence of a duty owed to the plaintiff is the 'neighbour principle' stated by Lord Atkin in *Donoghue v. Stevenson* (1932) A.C. 562.

Based on the above statement and decision of the case, discuss the concept of 'neighbourhood principle'. Support your answer with relevant authorities.

(15 marks)

[Total: 40 marks]

QUESTION 2 [40 marks]

a. Explain on the jurisdiction(s) of the First Class and Second Class Magistrate Courts in Malaysia. **(10 marks)**

b. Two Directions ("TD"), a musical boys' band from England, and the Director of Astro ("Director") entered into a written agreement relating to a musical show to be broadcasted during the month of July 2018. The following were the terms of the agreement drawn up between them:

Continued

- (i) For each show, TD will be paid RM 10,000.
- (ii) In the event, TD fails to perform for the show, they shall be liable for the loss in the amount of RM 40,000 plus all incidental charges for making all the arrangement for the show.
- (iii) A formal agreement will be drawn up with the approval of the managers of both parties to the agreement.

Later, the Director sent the drafted formal agreement to TD for signature. However, TD refused to sign. The Director sued TD for breach of contract. TD contended that there was no enforceable contract between them and the Director. Discuss.

(15 marks)

- c. Cersei Lannister is the Queen of the country Thrones. She has many spiteful enemies. One of them is Daenerys Targaryen. Daenerys has spread a rumour through social media that Cersei has murdered her own husband King Robert Baratheon. The rumour spread like a wildfire. Cersei wishes to take legal actions against Daenerys.

Based on the above situation, discuss the legal principle involved.

(15 marks)

[Total: 40 marks]

PART B: ANSWER TWO (2) QUESTIONS ONLY [60 MARKS]

QUESTION 3 [30 marks]

Gru was desperate to lose weight. One day, when he was scrolling through his facebook account's news feed, he came across an advertisement, posted by Bratt, about a product called, 'Despicable Fire Fat-Burning Drink', selling for RM 288 per bottle. In the advertisement, Bratt claimed that the product is super effective and it can definitely reduce 10 kg of weight after only 2 times of consumption.

Gru was excited with the product and therefore, he spent RM 2,880 to purchase 10 bottles of the product from Bratt. However, after consumed only half of the first bottle, Gru started to feel severe stomach cramps and he was rushed to the hospital immediately.

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In the hospital, the doctor told Gru that his condition was due to consumption of the Fat-Burning drink, a product banned by the relevant authority 2 years ago because it contained poisonous substances. Gru's slimming dream was crushed and he had lost RM 2,880 in purchasing the banned product that almost kill him.

Based on the principles of Contract Law, advise Gru on the losses he has suffered and the remedy/remedies that he may claim against Bratt.

(30 marks)

QUESTION 4 [30 marks]

- a. Explain on the jurisdiction(s) of the Session Court in Malaysia. (10 marks)
- b. Explain *Scott v Shepherd* (1773) 2 B1 R892. (20 marks)

[Total: 30 marks]

QUESTION 5 [30 marks]

- a. What are the elements of assault? (5 marks)
- b. Daisy was working as a housekeeper at Minnie's house. Daisy is provided accommodation in Minnie's house. One day, Daisy and Minnie had an argument and Minnie decided to fire Daisy from her job. Daisy upon being fired from her job, stormed to her room to collect her belongings before she left Minnie's house for good. However, Minnie and her husband, Mickey blocked Daisy's way and refused to let her into the room to collect her belongings. Daisy was furious but powerless against Minnie and Mickey. Daisy could not leave Minnie's house without her belongings because she had nothing with her. Daisy is trapped in Minnie's house.

Based on the above situation, discuss the legal principle involved and discuss the remedy/remedies available to Daisy.

(25 marks)

[Total: 30 marks]

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